

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GENTEX CORPORATION,

No. 4:17-CV-01136

Plaintiff,

(Judge Brann)

v.

HELICOPTER HELMETS, LLC,

Defendant.

**CASE MANAGEMENT ORDER**

**OCTOBER 24, 2019**

Pursuant to the authority granted to this Court under Federal Rule of Civil Procedure 83(b), this Case Management Order shall govern all proceedings in the above-captioned case. No deadlines set by this Order, the Local Rules,<sup>1</sup> or the Federal Rules of Civil Procedure may be altered without this Court's approval, and this Court may modify any deadline *sua sponte*.

**Joinder of Additional Parties and Amended Pleadings**

1. All additional parties shall be joined by December 1, 2019.<sup>2</sup>

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<sup>1</sup> The Local Rules are online at <http://www.pamd.uscourts.gov/sites/pamd/files/LR120114.pdf>, and may also be obtained by writing the Clerk of Court, United States Courthouse and Federal Building, Suite 218, 240 West Third Street, Williamsport, Pennsylvania, 17701-6460.

<sup>2</sup> This Order is effective immediately as to all parties who have already appeared. If any parties have not yet been served with the summons and complaint, a copy of this Order shall be served on those parties simultaneously with the summons and complaint, in any manner authorized by Federal Rule of Civil Procedure 4(c). If any parties have been served with the summons and complaint but have not yet appeared, a copy of this Order shall, within three days of the date of this Order, be served on those parties in any manner authorized by Federal Rule of Civil Procedure 5(b) that is calculated to provide prompt, actual notice of this Order's contents. For parties who have not yet been served with the summons and complaint, or have not yet

2. Amended pleadings are due December 1, 2019.

### **Discovery**

3. Fact discovery shall be conducted expeditiously and diligently, and shall be completed by June 1, 2020. All requests for extensions of this deadline shall be made at least fourteen days before the expiration of the discovery period.
4. Plaintiff's expert reports are due November 2, 2020.
5. Defendant's expert reports are due December 2, 2020.
6. Supplemental and rebuttal expert reports are due December 16, 2020.
7. Expert discovery shall be completed by December 30, 2020.
8. If a discovery dispute arises, counsel shall electronically docket a letter apprising the Court of the dispute's general contours. Upon receipt of that letter, the Court may schedule a conference if necessary. No discovery motions may be filed without express permission of the Court.<sup>3</sup>
9. Counsel shall confer within four weeks after the completion of discovery to discuss settlement, and shall notify this Court if they would like the assistance of a United States Magistrate Judge in conducting a formal settlement conference.

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appeared, this Order is effective immediately upon receipt. No party, however, will be penalized for violating the terms of this Order if they have not received actual notice of this Order's contents.

<sup>3</sup> See Federal Rule of Civil Procedure 16(b)(3)(B)(v).

### **Dispositive Motions**

10. Dispositive motions shall be filed by August 3, 2020.
11. Briefing on dispositive motions shall comply with Local Rules 7.4, 7.5, 7.6, 7.7, 7.8, and 56.1.
12. Any defendant contemplating a dispositive motion shall confer with other defendants and shall file joint motions and briefs whenever possible.

### **Pretrial Matters**

13. Motions to exclude expert testimony shall be filed no later than thirty days from receipt of the expert's report.
14. Motions in limine and supporting briefs shall be filed by December 30, 2020.
15. Pretrial memoranda shall be filed by January 13, 2021. No later than fourteen (14) days before this date, counsel shall hold a conference as indicated in Local Rule 16.3.
16. Proposed voir dire questions shall be filed by January 13, 2021.
17. Proposed jury instructions shall be filed by January 13, 2021.
18. A final pretrial conference will be held on January 26, 2021 (time to be determined).<sup>4</sup> Counsel who will try the case shall attend this conference (unless the Court approves the substitution of another attorney who is fully

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<sup>4</sup> The pretrial conference will take place in Judge Brann's chambers at the United States Courthouse and Federal Building in Williamsport.

familiar with the case), and all individuals with settlement authority shall be present or available by telephone. At the conference, counsel shall set forth the elements of all claims and defenses expected to be made at trial.

### **Trial**

19. The above-captioned case is currently placed on the March 2021 trial list. Counsel should note, however, that criminal matters take priority and may delay the beginning of the civil trial list.
20. Jury selection will begin at 9:30 am on the first day scheduled for trial, and trial will commence immediately following the jury's empanelment.<sup>5</sup>

### **Miscellaneous Matters**

21. Motions to seal documents (and the document(s) sought to be sealed) must be mailed to, or filed with, the Clerk's Office in Williamsport. The Court will not accept sealed documents filed in Scranton or Harrisburg.
22. At any time, if the parties wish to utilize the Court-Annexed Mediation Program<sup>6</sup> or any other form of alternative dispute resolution, counsel should electronically docket a letter expressing this interest and request a telephone conference call with the Court.
23. Counsel are advised that they may consent to the disposition of this case by a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

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<sup>5</sup> Trial will take place in Courtroom No. 1, located on the fourth floor of the United States Courthouse and Federal Building in Williamsport.

<sup>6</sup> See Local Rules 16.8.1-.7.

24. Inquiries about this case may be directed to Janel R. Rhinehart, my Courtroom Deputy, at 570-323-9772.

**Summary of Dates and Deadlines**

Joinder of additional parties: December 1, 2019

Amended pleadings: December 1, 2019

Discovery: June 1, 2020

Dispositive Motions: August 3, 2020

Plaintiff's expert reports: November 2, 2020

Defendant's expert reports: December 2, 2020

Supplemental and rebuttal expert reports: December 16, 2020

Expert discovery: December 30, 2020

Motions in limine and supporting briefs: December 30, 2020

Pretrial memoranda: January 13, 2021

Final pretrial conference: January 26, 2021

Trial: March 2021

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge